



Reply to
Attention of

DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1096

AUGUST 27, 2015

APPROVED JURISDICTIONAL DETERMINATION

Eastern Virginia Regulatory Section
NAO-2006-5097 (Stumpy Lake/Gum Swamp)

Tri-City Properties, LLC
ATTN: Michael Gelardi
3333-24 Virginia Beach Blvd
Virginia Beach, VA 23452

Dear Mr. Gelardi:

This letter is in regard to your request for verification of an approved jurisdictional determination for the waters of the U.S. (including wetlands) on a portion of a +428-acre property known as Centerville Property. The subject site is 53.8-acres in size, located on the eastern side of Centerville Turnpike, 1,700 feet southeast of the intersection of Mill Pond Road and Centerville Turnpike, in Chesapeake, Virginia. The subject site includes portions of a 388.993-acre parcel (tax map parcel #0390000000380) and all of a 2-acre parcel (tax map parcel #0380000000841).

An on-site jurisdictional determination has found waters and wetlands regulated under Section 404 of the Clean Water Act (33 U.S.C. 1344) on the property listed above. Forested, non-tidal adjacent wetlands and tributaries have been identified on the site. This letter shall serve to confirm the wetlands delineation and jurisdictional waters, as surveyed and shown on the map titled, "Tri-Cities – Revised Wetlands and Waters Delineation Map" dated June 25, 2015 (revised July 8, 2015) (copy attached). Our basis for this determination is the application of the Corps' 1987 Wetland Delineation Manual (*and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region*) and positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation. The wetland is a water of the United States and is part of a tributary system to interstate waters (33 CFR 328.3(a)). These waters meet the Corps' definition of waters of the United States, are part of a tributary system to interstate waters (33 CFR 328.3 (a)) and have an ordinary high water mark.

Discharges of dredged or fill material, including those associated with mechanized landclearing, into jurisdictional waters and/or wetlands on this site will require a Department of the Army permit and may require authorization by state and local authorities, including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ). This letter is a confirmation of the Corps jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in

these jurisdictional areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

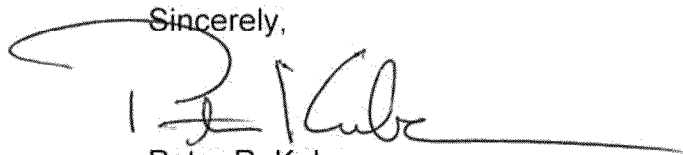
This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the North Atlantic Division Office at the following address:

ATTN: Mr. James Haggerty, Regulatory Program Manager
United States Army Corps of Engineers
CENAD-PD-OR
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, NY 11252-6700
Email: james.w.haggerty@usace.army.mil

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by October 26, 2015. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This jurisdictional determination is valid for a period of five (5) years from the date of this letter unless new information warrants revision prior to the expiration date. If you have any questions, please contact Audrey Cotnoir either via telephone at (757) 549-8819 or via email at audrey.l.cotnoir@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Kube', with a long horizontal line extending to the right.

Peter R. Kube
Chief, Eastern Virginia Regulatory Section

Enclosure(s)

Cc:

Roth Environmental, LLC, ATTN: Matt Roth

MSA, P.C., ATTN: Brian Owen

Virginia Department of Environmental Quality, Virginia Beach, ATTN: Sheri Kattan

City of Chesapeake, ATTN: David Mergen